

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

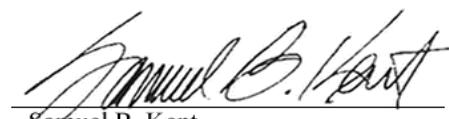
UNITED STATES OF AMERICA §  
§  
VS. § CRIMINAL NO. G-99-06  
§  
GASTON CHARLES, JR. §

**OPINION AND ORDER**

On June 22, 2006, the United States Magistrate Judge issued a Report and Recommendation which re-characterized the “ Motion to Eliminate Enhancements and Reduce Sentence” of Gaston Charles, Jr., as one brought under 28 U.S.C. § 2255 and recommended its dismissal. Following the issuance of the Report and Recommendation, Charles filed a “ Motion to Withdraw the Motion to Eliminate Enhancements and Reduce Sentence.” Under the circumstances Charles’ Motion to Withdraw (Instrument no. 44) is **GRANTED**.

It is, therefore, **ORDERED** that Charles’ re-characterized Motion under 28 U.S.C. § 2255 (Instrument no. 42) is **DISMISSED without prejudice** to Charles’ ability, if any, to pursue a future initial § 2255 Motion.

**DONE** at Galveston, Texas, this 21<sup>st</sup> day of July, 2006.



Samuel B. Kent  
United States District Judge